

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 4290 OF 2024

Jevior Pol Colvin @ Dadu Colvin. ... Applicant.

Vs.

The State of Maharashtra & anr. ... Respondent.

Mr. Chaitanya Mulawkar a/w. Mr. Nilesh Waghmode with Mr. Omprakash Bhaldane, Advocate for the Applicant.

Ms. M.H. Mhatre, APP for Respondent/State.

Ms. Deepti Thorat i/b. Ms. Ashwini Jadhav, Advocate for Respondent No. 2.

PSI Kiran Lodhi, Khadakvasala Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATE : 9th JULY, 2025.

P.C. :

1. Heard Mr. Chaitanya Mulawkar, learned Advocate for the Applicant and Ms. Mhatre, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant is seeking regular bail in Crime No. 241 of 2021 registered with Khadakvasla Police Station at Pune, for the offences punishable under Sections 354D, 376(j)(n), 323, 504, 506 of the Indian Penal Code and under Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that Applicant committed non-consensual sexual intercourse with Respondent No. 2 who is said to be 17 years old. Applicant entered into said relation on expressing his love for the Respondent No. 2. Applicant is married person and has two children.

4. Applicant was arrested on 2nd December, 2021 and since then he is in jail. Bail Application filed by the Applicant was rejected by the learned Additional Sessions Judge, Pune.

5. Mr. Mulawkar, learned Advocate for the Applicant submits that the Applicant is pressing the present Bail Application on the ground of his long incarceration. He submits that though charge is framed in the year 2024, however, till date not a single witness is examined. He therefore, submits that the request of the Applicant be considered on the ground of denial of speedy trial.

6. Ms. Mhatre, Learned APP for State submits that through charge is framed, trial in the case has not concluded.

7. Ms. Deepti Thorat, learned Advocate for the Respondent No.2 opposes the Bail Application on the ground that the Applicant had taken Respondent No. 2 for a ride by misleading her and thereafter, had sexual intercourse with her. She submits that the Applicant ought not to have behaved in such a careless manner, moreso when he is a married person. She however, does not

dispute that the Applicant is in jail and the trial is not commenced till date.

8. I have perused the record with the assistance of the learned Advocates.

9. Applicant is in jail for a period of 3 years and 7 months as submitted by Mr. Mulawkar. Though charge is framed, however, trial has not commenced as stated by Mr. Mulawkar. Mr. Mulawkar, in the facts and circumstances of this case would be justified in submitting that there would be substantial delay in conclusion of trial.

10. In such situation, the Applicant would be justified in pressing his right to speedy trial. Applicant cannot continue to be incarcerated as an under-trial, indefinitely. It is on the ground of Applicant's long incarceration and the trial having not commenced, this Bail Application is entertained.

11. In view of the above, Bail Application is allowed on the following terms :

- (a) Applicant be released on bail in Crime No. 241 of 2021 registered with Khadakvasla Police Station, Pune upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Pune.

(b) Applicant shall not tamper with prosecution evidence and also shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Investigating Officer.

(c) Applicants shall not contact Respondent No. 2 or any of her family member.

(d) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, Khadakvasla Police Station, Pune.

(e) Applicant shall attend each and every date of the trial pending before the Additional Sessions Judge, Pune, unless exempted.

12. Criminal Bail Application No. 4290 of 2024 is disposed of.

(ASHWIN D. BHOBE, J.)